IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 851 of 2006 (M/B)

1. Anand Singh Rana S/o Kundan Singh Rana,
   Elected Member of Gram Panchayat – Sarana Chai.
2. Bhagwati Prasad Joshi S/o Mahananda Joshi,
   Pradhan, Gram Panchayat Sarana Chai.
   Both R/o Village Sarana chai,
   Post Office Vishal Khal, Block Pokhari,
   District Chamoli. …….. Petitioners

Versus

1. State of Uttaranchal,
   through secretary, Panchayati Raj and Rural Development,
   Government of Uttaranchal, Dehradun.
2. District Magistrate,
   Chamoli,
3. Chief Development Officer,
   Chamoli.
4. Project Director,
   District Rural Development Authority, Chamoli.
5. Block Development Officer,
   Nagpur, Pokhari,
   District Chamoli. …….. Respondents

Mr. Pankaj Purohit, Advocate for the petitioners.
Mr. N.B. Tewari, Chief Standing Counsel for the respondents.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Pankaj Purohit, Advocate for the petitioners.

Mr. N.B. Tewari, Chief Standing Counsel for the respondents.

They are heard on admission.

2. Petitioners Anand Singh Rana and Bhagwati Prasad Joshi, claiming themselves to be Member and Pradhan respectively of Gram Panchayat Sarana Chai, have filed this writ petition for the following reliefs:

> "a. Issue a writ, order or direction in the nature of *Certiorari* to call for the record and to quash the tender notice dated 05.07.2006 issued by the respondent No. 5 contained in Annexure No. -1;
>
> b. Issue a writ, order or direction in the nature of *Mandamus* commanding the respondents to get the construction of the development works enumerated in the tender notice dated 05.07.2006 from the serial Nos. 1 to 7 be done strictly by implementing agency like Gram Panchayat or Block Development Offices strictly in accordance with the 73rd Constitutional Amendment in letter and sprits.
>
> c. Issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper under the facts and circumstances of the case.
>
> d. Award the costs of the writ petition in favour of the petitioner."

3. The petitioners are challenging the notice inviting tender (Annexure NO. 1) issued by Block Development Officer, Nagpur Pokhari, whereby tenders have been invited for the construction of small bridges on the village roads.

4. Mr. Pankaj Purohit, the learned counsel for the petitioners vehemently argued that after the 73rd Constitutional Amendment, the entire development and construction work has to be executed through Gram Panchayats and the respondents by inviting tenders vide Annexure No. 1 are acting against the spirit of the 73rd Constitutional Amendment.

5. The reliance placed by the learned counsel for the petitioners on the scheme under 'Rashtriya Gramin Rojgar Karyakram' is apparently misconceived, as the petitioners have not pleaded that the construction in question is under 'Rashtriya Gramin Rojgar Karyakram'.

6. The petitioners' objection to the inviting of tenders cannot be appreciated at all, as tender process is always taken to be the most fair manner of awarding contracts.

7. As we do not find any illegality in the notice inviting tender (Annexure No. 1), the writ petition is bound to fall and is hereby dismissed summarily.

8. Consequently, CLMA No. 9046 of 2006 also stands dismissed.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C. J.)**
20.07.2006 20.07.2006

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